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EXAMINER

AMINI, JAVID A

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 13

Application Number: 09/625,298
Filing Date: July 25, 2000
Appellant(s): ZETTSU ET AL.

Lisa L.B. Yociss
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 08, 2003.

1. Real part in interest

a. A statement identifying the real part in interest is contained in the brief.

2. Related Appeal and interferences

b. A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

3. Status of Claims

c. The statement of the status of the claims contained in the brief is correct.

4. Status of Amendments After Final

d. The appellant's statement of the status of amendments dated May 12, 2003 after final rejection has been not entered.

5. Summary of Invention

e. The summary of invention contained in the brief is correct.

6. Issues

f. The appellant's statement indicated as a question: "Is the Examiner's rejection of claims 1-14 under 35 U.S.C. 103(a) well founded?"

7. Grouping of Claims

g. The grouping of claims contained in the brief is correct.

8. Claims Appealed

h. The copy of the appealed claims contained in the Appendix on pages 11-21, of the brief is correct.

9. Prior Art of Record

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- | | | | |
|----|--------------|-----------------|---------|
| i. | US 5,734,915 | Roewer | 03-1998 |
| j. | US 5,960,406 | Rasansky et al. | 09-1999 |

10. Ground of Rejection

Claim 1-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Roewer, and further in view of Rasansky et al. This rejection is set forth in prior Office Action, mailed on 3/12/2003, page 4, lines 20-32, and pages 5-33.

11. Response to Argument

12. Examiner's opinion of the applicant's invention in view of reference Roewer:

13. The Reference Roewer presents an apparatus and method to solve many of the problems with graphic user interface (applicant referred as a page information). One of the applications of this invention is used for medical imagery. The purpose of the invention is for a more consistent display format (meaning: template, formatter and attribute; it is very obvious and very important for medical images to incorporated into templates and also it is obvious a formatter and display attribute are acquired from the page template) with more meaningful feedback. And also for easy reversal of operator editing actions at a workstation (a workstation is a computer that can be considered as informational terminal for processing data information and can be an IBM, Macintosh or any other computer brands device). It is yet another object of the invention to exclude or minimize errors (random information) at the workstation. Another object of the invention is to provide window oriented commands organized by type of action. It is another object of the invention to provide an information display where all necessary information is visible.

14. To establish a prima facie case of obviousness, three basic criteria must be met.

15. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. (the primary reference Roewer in col. 42, lines 6-17 discloses some suggestion, that the preferred embodiment provides the capability to upgrade and to incorporate and use new developments through the use of macros, dynamic information lines, context sensitive help, and additional protocols (HC-7, ISDN, X.nn, NTP, etc.), and the second reference Rasansky teaches in (col. 6, lines 26-31) that there is also a lower level library of generally useful routines for interacting with the Database, Communication, and Billing Subsystems and performing such generic tasks as filling in HTML templates.).

16. Second, there must be a reasonable expectation of success. Since one of the preferred embodiment of the reference Roewer provides the capability to upgrade and use new programs for example HTML that the second reference Rasansky teaches it see above for more detail information. (Definition of HTML: Acronym for Hypertext Markup Language. The markup language used for documents on the World Wide Web. A tag-based notation language used to format documents that can then be interpreted and rendered by an Internet browser, for example Explorer). Therefore, it is very a reasonable expectation of success. (See also motivation below).

17. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

18. Motivation:

19. To consider what general principles and practical procedures may best provide hospital patient's information with the information they should have on their diagnosis, prognosis and treatment (Hospital's database); to make arrangements for any necessary inquiries to that end; and to advise on the most appropriate means of drawing any recommendations to the notice of the professions. Communication between doctors and patient's information can be improved by having access to Hospital's database over Internet. Using the markup language (HTML) used to format patient's information that can then be interpreted and rendered by an Internet browser (Explorer). The reference Roewer does not explicitly specify the HTML; however the second reference Rasansky et al. teach the HTML technology in the World Wide Web (www) environment. It would be obvious to one skilled in the art to take the HTML technology of Rasansky et al. and integrate it into the Roewer's invention, because such a modification would allow the content of Roewer's invention to be access via Internet using a browser that supports HTML technology, and would thereby aid the user.

20. Response to Argument on page 5 of Appeal brief:

21. Applicant argues on page 5, lines 21-25 that the reference Roewer does not perform the functions of the page template claimed by applicants. Examiner refers Applicant to see Roewer's Fig. 8, the pull down menu, the "Hide templates" and the "Auto fill"; and Figs. 9B, 9C, 9E, 9F and 10-15.

22. Response to Argument on page 6 of Appeal brief:

23. Applicant argues on page 6, lines 1-9 that the formatter taught by Roewer is a physical, tangible device. Contrary Roewer discloses on col. 5, lines 55-60 that the formatter is located in

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the main terminal, and the operator transforms by using selected graphic user interface input commands into a set of commands for formatting medical diagnostic imagery; and transmitting set of transformed commands over a network for printing, display, or storage of edited imagery (each output devices have their own formatter that communicate with formatter of the processing unit).

24. Applicant argues on page 6, lines 10-17 that the Examiner does not point to any part of Roewer that teaches the medical image formatter being acquired on the basis of the format and/or content of the data fields of the text template. Roewer on col. 19, lines 15-21 discloses that the text template structures define the format and contents of data fields. Each template can hold labels and values of attributes of the institution, patient, modality, and the medical image as well as comments. Each template also contains indications of where to place and how much padding or space to leave blank around the image in a frame and where to place text. Fig. 17 shows an example of text templates for two modalities.

25. Applicant argues on page 6, a line 18-22 that a medical image formatter cannot be transmitted to an information terminal for processing. Therefore, the formatter claimed by Applicant is not a medical image film formatter. Roewer on col. 6, lines 20-31, teaches that a medical diagnostic image a workstation; for presenting a set of graphic user interface commands on the workstation to allow an operator to edit the medical diagnostic image by manipulation of image objects; for accepting and processing graphic user interface commands upon selection by an operator at workstation; for transforming operator input commands into a set of command for formatting medical diagnostic imagery; and for transmitting set of transformed commands over a

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network for printing, display or storage. Examiner suggestions: Applicant should be able to compare the concept of the invention rather than the applications of the invention.

26. Applicant argues on page 6, a line 27-30 that Applicant do not claim a Macintosh workstation. Applicant claim that the contents to be included in the template, and not the page information that is displayed, are processed on the basis of the display attribute that was acquired from the page templates itself. Examiner's response: The brand name of terminal or the computer that Roewer uses is Macintosh workstation. Applicant should see cols. 13 and 14, lines 64-67 and 1-8 respectively. This is very obvious for a person skilled in the art to understand that a template has to have content. And the format displayed of the template is the outcome of the page information (color, size, links, and etc.). And of course the programming codes are not displayed.

27. **Response to Argument on page 7 of Appeal brief:**

28. Applicant argues on page 7, a lines 1-6 that the Examiner does not point to any part of Roewer that teaches processing contents to be included in a page template on the basis of display information that was acquired from the page information. Roewer teaches in col. 19, lines 1-21. Again Macintosh is the brand name of the processing terminal.

29. Applicant argues on page 7, a lines 11-20 that the reference Roewer does not teach the menu bar or pull-down selection lists being obtained from the text template. Examiner's reply: see Fig. 2, under image menu pull-down indicating rotation. And also see cols. 8 and 9, lines 64-67 and 1-17 respectively.

30. Applicant argues on page 7, a lines 21-27 that the reference Roewer does not teach excluding information on a first content if it is judged that the display attributes include one

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indicating random (interpretation of Examiner is report of an error). Roewer discloses on beneath of cols. 41 and 42, see glossed word “alert”.

31. Applicant argues on page 7, a lines 28-31 that the reference Roewer does not teach adjusting the size of the display area if it is judged that the size information on the display area has a greater value than the size information on the acquired content. Roewer discloses on cols. 45 and 46, see “image (actions)”.

32. **Response to Argument on page 8 of Appeal brief:**

33. Applicant argues on page 8, lines 6-11 that the reference Roewer does not teach acquiring a formatter on the basis of formatter specifying information that was acquired from the page template. Contrary Roewer teaches on col. 19, lines 1-21.

34. Applicant argues on page 8, lines 12-22 (repeated argument) that the reference Roewer does not teach acquiring a formatter on the basis of formatter specifying information that was acquired from the page template. Contrary Roewer teaches on col. 19, lines 1-21.

35. **Response to Argument on page 9 of Appeal brief:**

36. Applicant argues on page 9, lines 6-12 (repeated argument), see Roewer teaches on col. 19, lines 1-21.

37. Applicant argues on page 9, lines 22-25, that the reference Rasansky does not teach alteration of concept to be incorporated into a page template without requiring editing of an HTML file. Contrary Rasansky discloses in (col. 8, lines 43-49) that user is viewing an HTML (browser) page, and the content of this page has information about individuals creating calendars and changes made to that information. Now the user changed the content (scheduling, calendar,) without editing the HTML page. Rasansky teaches in (col. 6, lines 26-31) that there is also a

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lower level library of generally useful routines for interacting with the Database, Communication, and Billing Subsystems and performing such generic tasks as filling in HTML templates. Those with skill in the art know these types of lower level routines.

38. For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,


Javid A Amini
Examiner
Art Unit 2672

Javid Amini
January 12, 2004

Conferees

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